



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **April 15-108RZ/F**

Case Type **Rezoning & Final Plat**

Project Name **Arrowhead Creek 2nd Replat**

Applicants Alan R., Diana L., and Tim Scott

Owners Alan R. and Diana L. Scott (1/3 interest)
14025 NE 123rd Street
Kearney, MO 64060

Tim Scott (2/3 interest)
13817 NE 144th Street
Kearney, MO 64060

Request **Rezoning & Final Plat** approval of Arrowhead Creek 2nd Replat

Application Submittal 2015-03-01

Public Notice Published 2015-03-19

Neighbor Letters Sent 2015-03-20

Report Date 2015-03-26

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation Approved, with conditions



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approximately 13817 NE 144th Street
Section 5 | Township 52 | Range 31

Site Size: 39.26± Acres

Existing Landuse & Zoning: Lot 1 - Suburban Residential District (R-1A);
Lot 2A - Agricultural (AG)

Zoning/Platting History:
Arrowhead Creek, recorded 10/25/2006; Arrowhead Creek, Replat of Lots 2, 3 and 4, recorded 10/20/2009; Rezoning, Res. #2000-374, Final Plat, Res. #2000-375; UE Vacation, Res. #2009-376, recorded 10/20/2009.

Surrounding Landuse & Zoning:

North – Agricultural (AG) Zoned Land, Rolling Hills (AG)
East – Agricultural (AG) Zoned Land, Fox Run (R-1B), City of Kearney
South – Agricultural (AG) Zoned Land, Prairie Home Manor(R-1)
West – Shearer Estates (R-1A), Agricultural (AG) and Residential Rural (R-1) Zoned Land, Megan's Meadow (R-1A)

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Alan, Diana, and Tim Scott are requesting **Rezoning** approval from Residential Low Density District (R-1A) to Agricultural (AG) for proposed LOT 1 and Agricultural (AG) to Residential Rural District (R-1) for proposed LOT 2, in conjunction with approval of the **Final Plat** subdivision Arrowhead Creek 2nd Replat for the property located at approximately 13817 NE 144th Street.

The Scotts wish to reconfigure the two existing lots into two new reshaped lots with a total of 39.26± acres. Proposed Lot 1 would be 28.36± acres, while Lot 2 the remaining 10.89± acres.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located within the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier.

The following tables illustrate the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



Report to Planning & Zoning Commission

Clay County, Missouri

Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Kearney is within the 1-Mile Urban Coordination Sub-Tier and responded with a letter dated January 23, 2015 having no objection to the proposed project. As such, the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

The City of Kearney and Fox Run (R-1B) are approximately 1½ miles east of the property. Shearer Estates (R-1A) is adjacent to the west, and Megan's Meadows (R-1A) is to the southwest. Prairie Home Manor (R-1) subdivision is to the south. Agriculturally zoned land surrounds the property in each direction [See Attachment B].

LDC Considerations

The review procedures and submittal content for the Arrowhead Creek 2nd Plat must follow the requirements in Section 151-3 of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC. The rezoning application was properly noticed in the Kearney Courier on March 19, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent March 20, 2015.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (151-3.3 F):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

The Clay County Highway Department has noted Lot 1 passes for a driveway entrance based upon the specifications for sight distance requirements of the Manual on Uniform Traffic Control Devices (MUTCD) requirements and the Clay County Highway Department standards. Public Water Supply District #6 of Clay County presently supplies water for Lot 2 and will have ample supply to provide an additional meter for Lot 1. The Clay County Health Department has given final approval. The Kearney Fire District serves the property.

Findings

Road Impact Fees (*RIF*) are not required as this is the replatting of a subdivision for only a boundary change in which no new lots are being created.

A request to vacate the utility easement within Lot 1 of Arrowhead Creek and Lot 2A, Arrowhead Creek, Replat of Lots 2, 3 & 4 was filed and is the following case.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Residential Low Density District (R-1A) to Agricultural (AG) for proposed LOT 1 to Agricultural (AG) to Residential Rural (R-1) for proposed LOT 2 for Arrowhead Creek 2nd Replat be **approved** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of the Arrowhead Creek 2nd Replat be **approved, with the conditions** as shown on Exhibit A:

Exhibit A

1. The Resolution of Vacation for the existing 15' wide utility easements within Lot 1 of Arrowhead Creek and Lot 2A, Arrowhead Creek, Replat of Lots 2, 3 & 4 recorded before recording of the Final Plat.
2. The following changes to the recording copies of the final plat:
 - a. REMOVE: "EXISTING 15' U/E TO BE VACATED (SEE NOTE ABOVE)" text and associated graphics on proposed Lot 2.
 - b. CHANGE: 1000.12' to 880.12' along the north line of proposed Lot 1.
 - c. CHANGE: 1275.62' to 934.14' along the east line of proposed Lot 2.

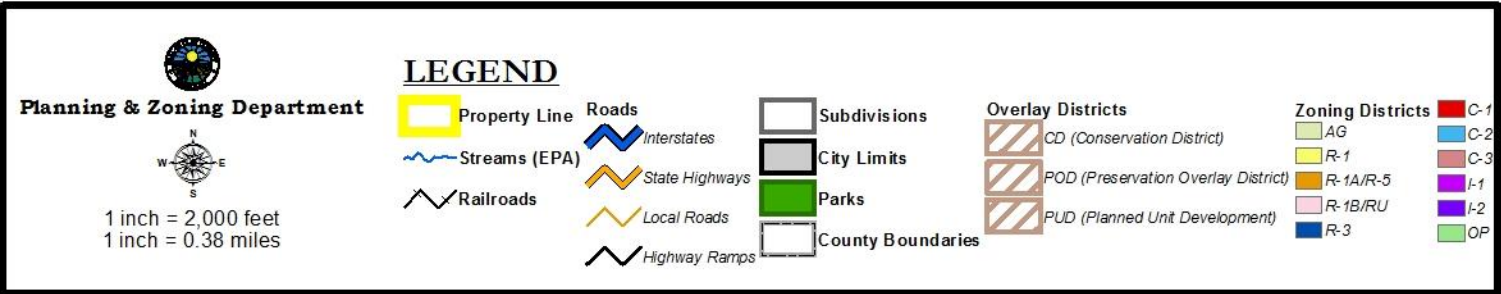
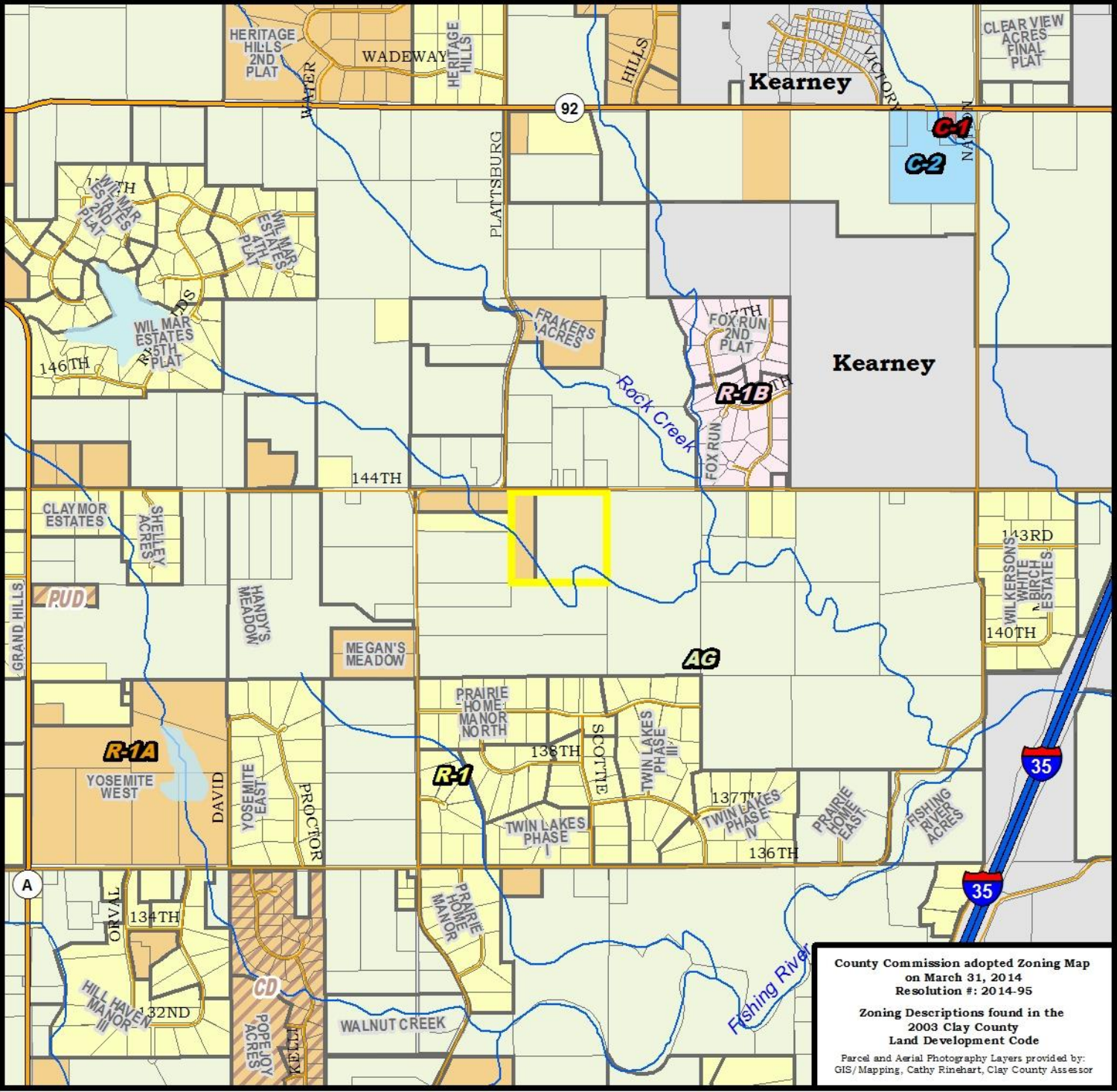


Attachments

TOWNSHIP 52N • RANGE 31W



Apr 15-108RZ/F – Arrowhead Creek 2nd Replat
Attachment B - Existing Conditions Map



Apr 15-108RZ/F – Arrowhead Creek 2nd Replat
Attachment C - Site Plan Map

